HONOURABLE SHRI JUSTICE R. SUBHASH REDDY

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WRIT PETITION No. 5837 OF 2006

ORDER:

In this writ petition, the petitioner seeks a writ of mandamus to direct the respondent, the Registrar, N.T.R. University of Health Sciences, to produce her OMR sheet (answer sheet), question paper and corresponding answer key sheet of Post-graduate Medical Degree/Diploma Courses Entrance Test 2006-07 held on 25-2-2006, for comparison with the eligible rankers in the said examination.

The petitioner had passed M.B.B.S. course in the year 1999 and has set up private practice at Visakhapatnam. She appeared for the entrance test for admission to first year Post Graduate Medical Degree/Diploma Courses 2006-07 conducted by the N.T.R. University of Health Sciences, Andhra Pradesh at Vijayawada on 25.2.2006.

The grievance of the petitioner is that though she had answered most of the questions out of 200 correctly and was expecting more than 125 marks, but she was awarded only 99 marks in the said examination i.e. one mark less than the qualifying marks. Therefore, she applied for re-totalling of the marks secured by her, but in re-totalling, the marks already awarded to the petitioner were confirmed.

Learned counsel for the petitioner submitted that when re-totalling was taken-up on 18.3.2006, she noticed that she got more marks than the awarded marks of 99. Precisely, it is the grievance of the petitioner that no opportunity was given when re-totalling was done on 18.3.2006 at her request. Therefore, she prays for a direction to produce her answer script before this court.

Counter affidavit has been filed by the Registrar of NTR University of Health Sciences, wherein, while denying the general allegations, it is categorically stated that the petitioner was present when the re-totalling was done on 18.3.2006 and that two senior Professors have re-totalled the marks obtained by the petitioner in her presence and in re-totalling also the marks awarded to the petitioner earlier were confirmed. It is also stated that after re-totalling, the petitioner has endorsed to the effect that she is satisfied with the re-totalling of marks.

It is further stated in the counter-affidavit that the selection of candidates for admission is based on Common Entrance Test which consists of 200 Multiple Choice Questions and the candidates who secure minimum of 50% marks (40% in case of SC/ST candidates) in the Entrance Test are only eligible for admission. Inasmuch as the petitioner got only 99 marks, she is not qualified in the entrance examination and is not eligible for admission.

On considering the rival contentions, it is clear that there is no valid basis for the claim of the petitioner that she answered well and she should have been awarded more marks than awarded. That apart, the entrance examination is not descriptive in nature and consists of multiple choice questions and in case of multiple choice questions, all the answers given to a question appear to be correct, but, in effect, only one answer out of four will be correct. Students may feel that the answer chosen by them is correct, which may not be correct when it is compared with key. Moreover, there is no choice for the examiner, in case of multiple choice questions, to award a particular number of marks, and, if the answer is correct full marks will be awarded and in case the answer is wrong, no marks will be awarded. In any event, the expectation of the petitioner that she would get more than 125 marks is no ground to call for the answer script so as to compare the same with that of the qualified candidates. When re-totalling was done in the presence of the petitioner acceding to her request, the marks awarded earlier to her were confirmed. As such, there is no valid reason to call for the answer script of the petitioner by this court in this petition filed under Article 226 of the Constitution of India. What is more significant is that after re-totalling was done in her presence, the petitioner, a qualified doctor, endorsed to the following effect:

"I, Dr. S.V.Ramanamma, H.T.No.3359 identified my OMR sheet and satisfied with re-totalling of marks."

Having endorsed that she is satisfied with the re-totalling of marks and in the absence of any other tenable ground, no case is made out by the petitioner to call for the answer script. Answer scripts of examinations will be called for only in very rare cases where strong case is made out to look into the answer script. In that view of the matter, I do not find any valid ground for grant of relief prayed for in this writ petition.

The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

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(R.SUBHASH REDDY, J.)

18.4.2006

Msnr